



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,194	06/25/2003	Mark J. Radcliffe	MS1-1547US	5791
22971	7590	05/24/2007		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER CRABTREE, JOSHUA DAVID	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 05/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
ntovar@microsoft.com
a-rydore@microsoft.com

Office Action Summary

Application No.

10/607,194

Applicant(s)

RADCLIFFE ET AL.

Examiner

Joshua D. Crabtree

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 32-41 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 32-41 and 43-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/16/2007 has been entered. Claims 9-31 and 42 have been cancelled. Claims 1-8, 32-41, and 43-48 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 8 and 37 remain rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.** This rejection is maintained, using the same rationale as presented in the previous office action. The rejection stands, and is proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 3714

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 32-41, and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Charlesworth et al. (US 2002/0052740).

With regard to claims 1, 32, 37, 43, and 46, and the limitation of receiving a user request to play an audio file, Charlesworth et al. disclose that a user may query for, and be presented with, a file, which may be any type of file, such as an audio file, multimedia file, etc. (Paragraph [0001-0008], [0035], [0062-0066]; Fig. 6a).

With regard to the limitations of identifying, based on the user request, a preferred language and a preferred sublanguage for displaying a lyric set associated with the audio file, and automatically searching a list of lyric sets associated with the audio file to determine whether the lyric set is available in the preferred language and the preferred sublanguage, Charlesworth et al. disclose that the user's language and dialect (i.e., sublanguage) may be identified based on the user's request (Paragraph [0076]). Charlesworth et al. disclose that an automatic search may be performed, based on the user request (Paragraph [0062-0066]).

With regard to claims 1, 32, 37, 43, 46, and 47, and the limitation of automatically selecting an alternate lyric set to be displayed based on a hierarchical list of language priorities provided by a lyric synchronization module when the automatic searching indicates that the lyric set is unavailable in the preferred sublanguage, the automatic selecting performed without user assistance, Charlesworth et al. disclose if the initial

search is unsuccessful, then a further search for alternative data may be performed (Paragraph [0038]).

With regard to 1, 32, 37, 43, and 46, and the limitation of playing the audio file and displaying the alternate lyric set, Charlesworth et al. disclose presenting the requested file(s) to a user (Paragraph [0062-0066]).

With regard to the limitation of providing a lyric editor that allows the user to add lyrics to an audio file and edit existing lyrics of the audio file, Charlesworth et al. disclose that a user may annotate files used with the invention (Paragraph [0001], [0035-0042], [0066]). Therefore, a user could modify or add lyric data files.

With regard to claims 2, 3, 34, 40, 41, 45, and 48, and the limitation wherein the alternate lyric set is contained in the audio file (as in claims 2, 34, 40, and 45), and wherein the alternate lyric set is stored separately from the audio file (as in claims 3 and 41), and wherein the time code data is stored in the audio file (as in claim 48), Charlesworth et al. disclose that any type of data file may be used with the invention, including multimedia (i.e., text, or time codes, and audio) files (Paragraph [0035]). Therefore, the files used in the invention could be text (i.e., lyrics), audio, multimedia files, or other file types desired by a user of the invention.

With regard to claims 4, 5, 6, 36, and 39, and the limitations wherein the alternate lyric set includes a plurality of lyric segments and the audio file contains a plurality of time codes, wherein each of the plurality of time codes corresponds to a particular lyric segment (as in claims 4 and 5), and wherein a particular lyric segment is displayed

during playback of the audio file based on a current time code (as in claim 6), and playing the audio file, determining a time code associated with a current playback location in the audio file, identifying a lyric segment associated with the time code, and displaying the lyric segment until a different time code is reached (as in claim 36), and wherein the lyric display module displays different lyric segments of the alternate lyric set based on a portion of the audio file being played by the audio player (as in claim 39), Charlesworth et al. disclose that it is known in the art to synchronize audio and video data, such that the audio and video are simultaneously presented to a user (Paragraph [0039]).

With regard to claim 7, and the limitation wherein the preferred sublanguage identifies a regional dialect of the preferred language, Charlesworth et al. disclose that a user's accent or dialect may be identified (Paragraph [0076]).

With regard to claims 8 and 37, Charlesworth et al. disclose that a computer may be used to implement the invention (Fig. 1; Paragraph [0009], [0033]).

With regard to claim 33, and the limitation of playing the audio file and displaying associated lyric data in English if lyric data is not available in the preferred language or the alternate language, Charlesworth et al. disclose that alternative words (i.e., lyrics) may be searched for (Paragraph [0038]). As stated previously, Charlesworth et al. disclose presenting request files to a user (Paragraph [0062-0066]), wherein the files may be any type of file (Paragraph [0035]).

With regard to claim 35, and the limitation wherein while playing the audio file, receiving a request to change the language of the lyrics being displayed, and displaying associated lyric data in the requested language, Charlesworth et al. disclose that a user may query for files, as previously described (Paragraph [0001-0008], [0035], [0062-0066]; Fig. 6a). Since the invention of Charlesworth et al. is capable of presenting audio, multimedia, or other types a files to a user (Paragraph [0035]), a user could query for another file while a specific file is being presented to the user. Since the claimed limitation pertains to the action a user performs with the invention, then a user could choose to perform the same action with the invention of Charlesworth et al., if desired.

Response to Arguments

4. Applicant's arguments with respect to claims 1-8, 32-41, and 43-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hutchins (US 5,208,897), Farrett (US 5,636,325), Beattie et al. (US 5,865,626), Hagiwara et al. (US 5,995,935), and Lyberg (US 5,694,520) each disclose systems capable of detecting the dialect (i.e., sublanguage) of a user.

Chong et al. (US 5,535,120) disclose a system capable of indicating a preferred sublanguage of a user.

Loghmani et al. (US 6,377,927) disclose a system wherein a user may verbally query a database, and wherein a library of words corresponding to the dialect of a user may be searched.

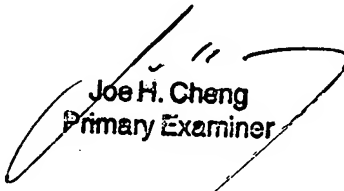
Goiffon et al. (US 6,453,312) disclose a system wherein a user may verbally query a database, and wherein regional dialects may be reflected in the search results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D. Crabtree
May 4, 2007


Joe H. Cheng
Primary Examiner